

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

RICARDO DELGADO,

Plaintiff,

vs.

CIV. No. 15-196 LH/GBW

LIBERTY MUTUAL FIRE INSURANCE COMPANY,  
and FARMERS INSURANCE COMPANY OF ARIZONA,

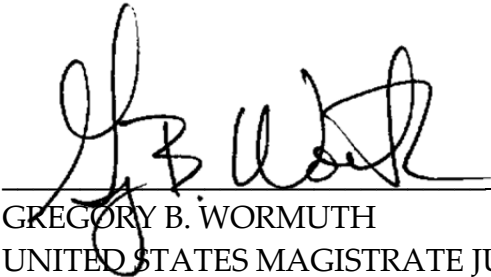
Defendants.

**ORDER DENYING MOTION TO SUBSTITUTE ATTORNEY**

THIS MATTER is before the Court on a Motion for Withdrawal and Substitution of Counsel filed by the law firm of O'Brien & Padilla, P.C. on behalf of Defendant Farmers Insurance Company of Arizona (Farmers). *Doc. 36*. In the Motion, prospective counsel for Farmers indicates that the Motion is being filed pursuant to D.N.M.LR-Civ. 83.8(a), which applies to unopposed motions to withdraw. *Id.* at 1. The Motion, however, states that the other parties were contacted and that each "has/has no objection." *Id.* While the Court may have been able to overlook this ambiguity given that all the parties provided electronic signatures on the proposed order, the Court cannot overlook the second error in the Motion: there is no indication as to whether Defendant Farmers consents. D.N.M.LR-Civ. 83.8(a) ("The motion to withdraw and proposed order *must indicate consent of the client*

*represented by the withdrawing attorney.”*) (emphasis added). Neither the motion nor the proposed order indicates that Farmers consented to the Motion.

IT IS THEREFORE ORDERED that the law firm of O’Brien & Padilla, P.C.’s Motion for Withdrawal and Substitution of Counsel is DENIED, without prejudice to refile.



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GREGORY B. WORMUTH  
UNITED STATES MAGISTRATE JUDGE